



FREMONT PLANNING BOARD

November 14, 2007

Meeting Minutes

Approved November 29, 2007

Present: Chairman Larry Stilwell, Selectman Peter Bolduc, Member Mark Pitkin, Member and CC Rep. Jack Karcz, RPC Circuit Rider David West, Building Official Thom Roy and Land Use AA/Recording Secretary Meredith Bolduc.

Member Leon Holmes, Jr. joined the meeting at 8:05 pm.

Mr. Stilwell called the meeting to order at 7:00 pm.

MINUTES

Mr. Karcz made the motion to approve the minutes of the October 10, 2007 meeting as written.

Motion seconded by Mr. Barham with favorable vote.

Mr. Karcz made the motion to approve the minutes of the November 7, 2007 meeting as written.

Motion seconded by Mr. Barham with favorable vote except for Mr. Bolduc who abstained as he was not present at that meeting.

GOVERNOR'S FOREST

Map 3 Lot 002

The Board received and reviewed an October 30, 2007 recalculation of the road bond reduction for Governor's Forest from Louis Caron of LC Engineering. The reduction followed the placement of the final 1" of hot bituminous pavement wearing course on Tarah Way and Linda Lane, except the middle section referenced as Phase C and D-2 on the report. Included were the construction progress reports as of October 16, 2007 and the August 16, 2007 bond calculations. The total bond recommended by Mr. Caron as of October 16, 2007 is \$106,000, from \$135,900 recommended in August, 2007.

Mr. Stilwell stated that based on recent recommendations of the Board, going by the regulations and without being aware of a previous agreement between the Selectmen and Mr. Ferwerda, it is outside of the agreement for the Board to issue another recommendation at this time. There was a discussion relative to the remainder of Linda Lane from the pump house to the intersection not being bonded. Mr. Bolduc stated that the fact that there is an agreement between Mr. Ferwerda and Albert Witham (Countryside Estates) to use his road for an emergency access has alleviated safety concerns in that there is a second egress to the Governor's Forest project. In reviewing a copy of the agreement it was found that it was originally dated August 28, 2003, renewed on September 28, 2007 and is valid until July 15, 2010. There was a discussion relative to building permits issued for Governor's Forest and it

was agreed that there can be no building permits issued for Sharon Way and that portion of Linda Lane from the pump house to the intersection until both roads are completed.

There was a discussion relative to the bond agreement that the Selectmen have with Mr. Ferwerda and Mr. Karcz asked where the Planning Board comes in with recommending the bond amount. Mr. Bolduc suggested that Mr. Stilwell meet with the Selectmen in an attempt to clarify the bond issue. Mr. Barham suggested that a member of the Planning Board attend the Selectmen's meeting next year when the agreement with Mr. Ferwerda comes due.

DEPARTMENT OF ENVIRONMENTAL SERVICES (DES) DRINKING WATER SOURCE ASSESSMENT REPORTS

Mr. Stilwell stated that the Board has received a November 9, 2007 correspondence from Johanna McKenna of DES stating that in 2003 the NHDES prepared "Drinking Water Source Assessment Reports" for all public water supply sources in the state. The reports were mailed to the water system supplier and to each municipality as they were completed. She added that recently DES conducted assessments for new systems/sources and enclosed copies of the new reports, which also were sent to the respective water supply systems with sources located in Fremont. These assessments are based on information contained in DES databases and surveys of the areas that contribute water to these sources. It is the hope of DES that the municipality will work with the water supplier to develop and implement appropriate source protection measures. The reports were for water supply systems at Governor's Forest at Rt 107, Martin Ferwerda; Barnyard Buddies at 77 Chester Road, Lorraine Porter; United Machine and Tool Design Co, Inc. at RT 107, George Lufkin.

SEACOAST FARMS

Map 5 Lot 035

There was a discussion relative to Seacoast Farms and the fact that there is no closure on the watershed issue. It was noted that there is a sort of operation plan in place and the State is regulating the operation at this time. Mr. Roy noted that there has only been one odor complaint recently and the operation was shut down immediately. It was agreed to find out if the annual well testings have taken place.

ZONING AMENDMENTS/ORDINANCE PUBLIC HEARING

Article XI; Aquifer Protection District

Mr. Stilwell opened this Public Hearing at 7:35 pm and stated that notice of this Public Hearing was posted on October 29, 2007 at the Fremont Town Hall, Library, Safety Complex, and Post Office and was published in the November 2, 2007 edition of the Rockingham News.

He then read the public notice of the hearing which was as follows:

In accordance with NH RSA 675:6 and 675:7 you are hereby notified that the Fremont Planning Board will hold a Public Hearing on Wednesday November 14, 2007 at 7:30 pm in the downstairs Land Use meeting room at the Fremont Town Hall to consider proposed amendments to the Fremont Zoning Ordinance Article XI Section E – 1: Aquifer Protection District; Minimum Lot Size. A second Public Hearing, if necessary, will be held at 7:30 p.m. on Wednesday December 19, 2007 in the downstairs Land Use meeting room at the Fremont Town Hall. The public is invited to attend.

The proposed amendment would replace the existing three (3) acre lot size with three (3) acres plus incremental increases for those lots on which more than single family dwellings are located. This would be similar with the lot size requirements of those lots outside of the Aquifer Protection District in Fremont Zoning Ordinance Article IV Section 3.

The full text of all proposed zoning amendments are posted at the Fremont Town Hall, Library, Safety complex, and Post office and are on file in the offices of the Selectmen, Planning/Zoning and Town Clerk and can be viewed during regular business hours.

Mr. Stilwell stated that tonight's Public Hearing agenda and the full text of the proposed zoning amendment is available on the table at the back of this meeting room.

Full Text:

Article XI – Aquifer Protection District

E. USE REGULATIONS

1. Minimum Lot Size

~~*The minimum lot size within the Aquifer Protection District for each dwelling unit if a residential use, or each principal building if a non-residential use, shall be three (3) acres, or 130,680 square feet.*~~

E. USE REGULATIONS

Section 1. *The lot size within the Aquifer Protection District shall be a minimum of three (3) acres in area and lots on which multiple family dwellings are located shall be increased by eighteen thousand (18,000) square feet per family dwelling unit when less than five (5) units and by thirty thousand (30,000) square feet per family unit when five (5) or more family units, i.e. three (3) Acres plus eighteen thousand (18,000) multiplied by the number of family units or three (3) Acres plus thirty thousand (30,000) multiplied by the number of family units. No lot shall have more than one (1) occupied dwelling thereon. (See also Article IX Section F, See also Article XI Section E-6)*

Section 1-A Setback requirements shall be those as defined by Article IV Section 1

Section 1-B. Lot frontage requirements shall be those as defined by Article IV Section 2.

There was a discussion relative to the term “family dwelling unit” and the intent to increase lot size per each unit. There was also a discussion relative to “*No lot shall have more than one (1) occupied dwelling thereon*” and the intent that all dwelling units be contained in one building per lot. There was a conversation relative to whether Article IV Section 2 and 3 should also be amended for consistency.

After careful consideration by the Board Mr. Karcz made the motion to continue this Public Hearing to 7:30 pm on November 28, 2007 in the downstairs Land Use meeting room at the Fremont Town Hall to allow time for Town Counsel to review the proposed article.

Motion seconded by Mr. Barham with unanimous favorable vote.

It was noted that the second Public Hearing, if it is necessary, is scheduled for December 19, 2007 at 7:00 pm.

ZONING AMENDMENTS

Signs:

The Board reviewed the November 14, 2007 revised sign ordinance draft as submitted by David West. There was a discussion relative to sign types, size and location.

The Members agreed to the following changes:

1.3 Signs Authorized Without A Sign Permit

A: Change "One personal" to *A personal*;

A-1: (*Warning signs*)- delete entire section

A-2: Delete all after "No trespassing" signs may be posted, pursuant to this ordinance and RSA 635:4."

A-3: Delete all after "Signs pertaining to the lease, sale, or use of the land or buildings on which it is placed."

1.4 Prohibited Signs

G: Change to "*Signs in the right of way: No signs shall be allowed in the Town or State Right-of-way.*"

I: Add this section "*Pole Signs*"

1.5 Wall Signs.

A: Mr. West agreed to obtain a different picture for this section as the one depicted was not a good example of a wall sign.

D: Projecting Signs

D-4: Size. Change to "Projecting signs may have a maximum area of *eight (8)* square feet."

E: Hanging Signs

E-4: Size. Change to "Hanging signs may have a maximum area of *eight (8)* square feet and a *maximum height of twelve (12) inches.*"

F: Monument Signs

F-1: Definition. Second sentence. The base of the sign structure shall be on the ground or a maximum of *twelve (12) inches* above the adjacent grade.

F-4: Size. First sentence. Monument signs may be a maximum of *forty (40)* Square feet in the FUE and V districts, and a maximum of *sixty (60)* square feet in the CH and CC districts. Second sentence add *from the grade* so the sentence reads "The maximum height of a monument sign is six (6) feet from the grade in all districts."

G: Freestanding Post Signs

G-1: Definition: Second sentence. The base of the sign structure shall be on the ground or a maximum of *twelve (12) inches* above the adjacent grade.

G-4: Size: Change to "The maximum sign area for freestanding post signs is *thirty two (32)* square feet."

G-5: Zoning: Freestanding post signs are allowed in *all* zoning districts.

H: Pole Signs – Delete entire section and add this to the Prohibited Signs.

L: Multi-Tenant Signs

L-2: Third sentence. Larger developments with more than *five (5)* tenants should avoid listing individual tenants, other than project anchors, to avoid sign clutter.

L-4: Size. Change to "Multi-tenant signs may have a maximum area of *ninety six (96)* Square feet in the CC, CH and V districts and *thirty two (32)* square feet in the FUR District. Multi-tenant signs may have a maximum height of twelve (12) feet

M: Residential Subdivision Signs:

M-3: Location and Number: Change to “*This sign is not permitted unless it is located within a landscaped area AND maintained by a homeowners association.*”

1.6 Additional Sign Standards

A: Number of signs: Delete first sentence “This is in addition to the sign number requirement of Section 1.5.”

B: Sightlines: Add *Town of State* after “limits of a” and *Authorities* prior to “having jurisdiction”.

C: Setbacks: Add to the end of the last sentence *May not be a right triangle.*

D: Visibility of Letters and Numbers: Change to *Shall be consistent with the Manual on Uniform Traffic Control Devices.*

E: Mr. West agreed to re-write this to include “not to cause light pollution”.

H: Delete entire section

1.7 Permitting; correct typos and add the word *are* between “that” and “allowed”.

Mr. Barham presented a group of pictures of various signs that he took in Fremont and the surrounding area. He explained the purpose of commercial signs, sign content, and also where each sign was located. Mr. Barham offered a brief summary relative to sign content, corporate logos, size/location, illumination (external and internal) and electronic message centers. These photos helped with deciding sizes of the various signs of the proposed ordinance.

MASTER PLAN

The chronology table previously discussed was again reviewed. It was agreed that this should become a working document that would be updated as each chapter is amended or deleted.

Mr. Stilwell noted that Mr. West continues to work on the Community Facilities chapter, the text of the Natural Resources Inventory chapter is finished and the maps are almost finished, Matthew Thomas is making updates to the Historical Resources chapter and the Recreation Commission is working on an update draft to the Recreation chapter. The Board is expecting the contract from RPC for the Transportation Chapter.

COMPREHENSIVE SHORELAND PROTECTION ACT

Mr. West reported that as per RSA 483-B effective April 1, 2008 all of the Exeter River in Fremont and the headwaters of the Piscassic River will be covered by the Comprehensive Shoreland Protection Act. This means that the Protected Shoreland is 250’ from the reference line, the Natural Woodland Buffer Restriction is 150’ from the Reference Line and the Waterfront Buffer and Primary Building Setback in 50’ from the Reference Line. The Reference Line for rivers it is the ordinary high water mark.

CORRESPONDENCE

1. Notice of the November 29, 2007 information session entitled “Consequences of Land Use Policy: Why and How NH Communities Can Grow Smart” put on by Donahue, Tucker & Ciandella, PLLC.

Mr. Karcz made the motion to adjourn at 10:40 pm.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Respectfully submitted, Meredith Bolduc, Secretary